

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 9594 of 2015
Date of decision : 13.10.2015**

Malwa Engineering Works, Chandigarh

.....Petitioner

v.

The Union of India and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present : Mr. Vikram Bali, Advocate, for the petitioner

Ms. Jyotika, Advocate, for
Ms. Deepali Puri, Advocate, for respondents No.3 and 4

Mr. Kamal Sehgal, Advocate, for respondent No. 5

Ajay Kumar Mittal, J. (Oral)

1. The petitioner has approached this Court under Articles 226/227 of the Constitution of India seeking direction to respondents No. 3 and 4 to refund ₹ 17,77,023/- along with interest @ 12% per annum.

2. In the writ petition, the petitioner has appended two refund applications claiming an amount of ₹ 1,81,526/- and ₹ 1,79,747/- only, and in so far as claim of ₹ 17,77,023/- as raised in the writ petition, there is no such notice of demand made to the respondents for refund of the said amount.

3. In response to the notice issued by this Court, written statement on behalf of respondent No.5 has been filed. Written statement on behalf of respondents No.3 and 4 filed in Court today, is taken on record.

4. In the written statement filed by respondent No.5, it has been stated that the two refund applications for ₹ 1,81,526/- and ₹ 1,79,747/- were filed on

4.5.2013 and 5.12.2013 respectively, and the requisite amount in full, has been sanctioned/refunded to the petitioner on 9.4.2014. Learned counsel for the petitioner stated that additional amount of ₹ 127,77,023/- is still refundable to the petitioner.

5. After hearing learned counsel for the parties, we dispose of this writ petition by permitting the petitioner to file a notice of demand to the appropriate authority claiming the said refund. In case such claim is made within one month, then the concerned respondent shall decide the same within next two months, after hearing the representatives of the petitioner and by passing a speaking order, in accordance with law.

6. In case any amount is found payable to the petitioner, the same shall be released to it within next two weeks.

7. The writ petition stands disposed of.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

13.10.2015

Ashwani